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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(San Jose Division)**

CHARLES N. PEREZ,

Plaintiff,

v.

EMERGENCY HOUSING
CONSORTIUM, a California not for profit
corporation, EHC LIFEBUILDERS, and
MONTEREY TERRACE APARTMENTS,

Defendants.

Case No.: C07-05690 PVT

**[PROPOSED] ORDER ON
PLAINTIFF'S EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND ORDER
TO SHOW CAUSE RE
PRELIMINARY INJUNCTION
ENJOINING EVICTION OF
CHARLES PEREZ**

Hearing Date: November 28, 2007, or as
soon as this matter may be heard

Time: 9:00 a.m., or as soon as this matter
may be heard

Courtroom: 5

Judge: Magistrate Judge Patricia Trumbull

[PROPOSED] ORDER

TO DEFENDANTS EMERGENCY HOUSING CONSORTIUM, INC., EHC
LIFEBUILDERS, and MONTEREY TERRACE APARTMENTS AND THEIR OFFICERS,
AGENTS, SERVANTS, EMPLOYEES AND ALL PERSONS ACTING IN ACTIVE CONCERT
OR PARTICIPATION WITH THEM:

On November __, 2007, plaintiff Charles Perez (hereinafter "Mr. Perez") appeared for a hearing on his *Ex Parte* Application for a Temporary Restraining Order and an Order to Show Cause why a preliminary injunction should not issue. Based upon the declarations served and filed therewith, and other supporting memoranda, evidence and argument from counsel, and the entire record in this case, and good cause appearing therefore,

1. Mr. Perez's application is hereby **GRANTED**:

2. The Court hereby **ORDERS** that Defendants, show cause before this Court, in Courtroom 5, on (date) _____, at (time) _____, or as soon thereafter as counsel may be heard, why a preliminary injunction should not be issued herein enjoining these Defendants and their officers, agents, servants, employees and all persons acting in active concert or participation with them from:

(a) Proceeding with a state court eviction action against Mr. Charles Perez pending the resolution of his Federal Court lawsuit.

3. Mr. Perez shall serve Defendants with this Order to Show Cause and all supporting papers by 5:00 p.m. Pacific Daylight Time on (date) _____. Proof of such service shall be filed and delivered in the manner provided by Civil Local Rule 5-5;

4. The Court further **ORDERS** that Defendants and their officers, agents, servants, employees and all persons acting in active concert or participation with them are hereby **ENJOINED AND RESTRAINED**, pending hearing on the above Order to Show Cause, from:

1 (a) Proceeding with any state court eviction action against Mr. Perez or from otherwise
2 commencing or attempting to commence any other eviction proceeding against Mr. Perez.
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4 5. The following briefing schedule shall apply:

5 (A) Defendants shall serve any papers in opposition to Mr. Perez's *Ex*
6 *Parte* Application for Temporary Restraining Order and Order to Show Cause on Mr. Perez's
7 counsel on or before _____, 2007;

8 (B) Mr. Perez shall serve any papers in reply on or before _____
9 2007.

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12 **IT IS SO ORDERED.**

13 DATED:

14 _____
15 Magistrate Judge Patricia V. Trumbull
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